

UNITED STATES DISTRICT COURT

for the
Southern District of OhioIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)FACEBOOK ACCOUNT TREY HAUN THAT IS STORED AT
PREMISES CONTROLLED BY META PLATFORMS, INC.

Case No. 2:22-mj-293

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A INCORPORATED HEREIN BY REFERENCE

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B INCORPORATED HEREIN BY REFERENCE

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

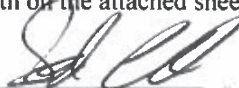
The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm
18 U.S.C. § 922(a)(1)(A)	trafficking in firearms without a license

The application is based on these facts:

SEE ATTACHED AFFIDAVIT INCORPORATED HEREIN BY REFERENCE

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Samuel Chappell, TFO ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: April 27, 2022City and state: Columbus, Ohio

 Kimberly A. Johnson
 United States Magistrate Judge


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK ACCOUNT TREY HAUN
THAT IS STORED AT PREMISES
CONTROLLED BY META PLATFORMS,
INC.

Case No. 2:22-mj-293

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Samuel Chappell, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. ("Meta"), a company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Meta to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the account.

2. I am a Columbus Ohio Police Office (Columbus Police Department) currently assigned as a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The Columbus Division of Police has employed me since 2007. I have been assigned as a TFO since 2017. My responsibilities as a Task Force Officer include the

investigation of criminal firearms possession and use, violent criminal street gangs, narcotics traffickers, firearm traffickers, and money laundering related to the previously mentioned offenses. I have participated in controlled purchases of controlled substances and firearms utilizing confidential sources and undercover law enforcement agents and officers. I have prepared affidavits submitted in federal and state court in support of applications for criminal complaints, search warrants, tracking warrants, and/or arrest warrants. I have participated in numerous investigations involving a variety of investigative techniques, including physical and electronic surveillance methods; controlled purchases; the analysis of a wide variety of records and data, including pen register and trap and trace data, as well as cell phone GPS/E-911 data; and the debriefing of defendants, informants, and witnesses, as well as others who have knowledge of the distribution, transportation, storage, and importation of narcotics and firearms.

3. Specifically, to this search warrant through training and experience I know that individuals who traffick in firearms and ammunition frequently utilize social media to sell, purchase and trade firearms. While Facebook doesn't allow the sale of firearms on their platform between private individuals this rule is often ignored and is easy to circumvent. Individuals get around this rule by using slang and other terminology to avoid Facebook's regulations.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 922(g)(1) felon in possession of a firearm and Title 18, United States Code, Section 922(a)(1)(A)

trafficking in firearms without a license have been committed by Tracey HAUN. There is also probable cause to search the information described in Attachment A for evidence of these crimes [[and contraband or fruits of these crimes]], as described in Attachment B.

APPLICABLE STATUTES AND DEFINITIONS

6. Based on the facts set forth in this affidavit, there is probable cause to believe that Tracey HAUN (hereinafter "HAUN") has committed violations of the below listed offenses.

7. Title 18, United States Code, Section 922(a)(1)(A) makes it a federal crime for anyone except a licensed importer, manufacturer, or dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce.

8. Title 18, United States Code, Section 922(g)(1) makes it a federal crime for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

9. A "dealer in firearms" is defined (18 U.S.C. § 921(a)(21)(C)) as a person who devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive acquisition and disposition of firearms.

CRIMINAL HISTORY

10. On or about July 8, 2008, Tracey HAUN was convicted in the Franklin County Court of Common Pleas in Columbus, Ohio in case 08CR190 for attempted endangering children a felony of the fourth degree. Records from the case indicate that HAUN was aware that the

maximum prison term for the offense was eighteen (18) months. This conviction would prohibit HAUN from possession of a firearm.

PROBABLE CAUSE

11. On or about April 8, 2022, the ATF Columbus Field Division received an anonymous tip via a message with several attachments. The tip stated that “felon Tracey Lee Haun makes all of his income by buying, selling, trading, and building guns from 22s to AR-15s (his main interest) and everything in between via online and gun shop sales. he will be at the Westland mall gun show this weekend or any other local shows. he knows how to turn ar15s into fully automatic weapons. he has claimed to be a 3% in the past he is admin to his own Facebook group created for buying selling and trading guns as well as a member of many more.”

12. The tip had attachments that included screen shots of a Facebook account called Trey HAUN and screenshots of Facebook posts and groups buying and selling firearms. Investigators were able to locate an advertisement on Armslist that matched the photo and description of an item posted for sale on a Facebook group by the account Trey HAUN. Armslist is a website that bills itself as a firearm marketplace. The site is designed to unite firearm purchasers and firearm sellers. Not all sellers are Federal Firearm Licensee (FFL). Private citizens can buy or sell firearms utilizing Armslist.

13. Investigators were then able to locate an ad for several firearms and firearms accessories on Armslist that they believed had been posted by HAUN. The ad listed the phone number of 614-629-7125 (Target Cell Phone).

14. On or about April 12, 2022, an ATF Agent posing as a firearm purchaser made contact with the Target Cell Phone. A firearms purchase was set up via text message. A message from the Target Cell Phone stated their name was "Trey".

15. On or about April 14, 2022, an Under Cover (UC) ATF Special Agent and/or an UC TFO purchased a firearm from HAUN. This deal was conducted in Columbus, Ohio. After the purchase of a firearm the UC spoke with HAUN about the purchase of more firearms. HAUN began to look at photographs of firearms on his phone. The UC told HAUN he could just text him a photo of the firearm. HAUN replied "I try not to send too many pictures and shit just because I've got a fucking arsenal of guns at my house and there always on the chopping block." HAUN then showed the UC photos of firearms on his phone. During the conversation while talking about AR pistols HAUN stated "Actually I'm meeting a guy to sell one in about five (5) minutes." The UC concluded the deal with HAUN and left the area.

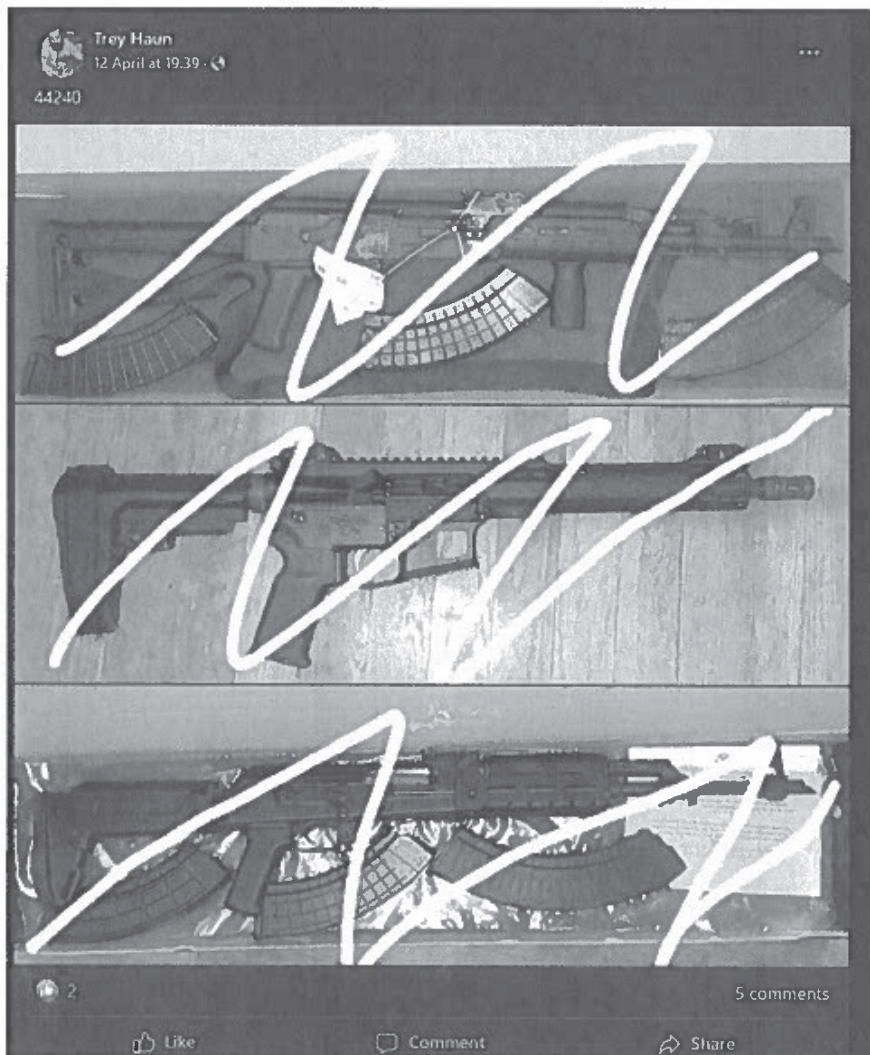
16. Investigators on surveillance then observed HAUN sell the AR pistol to an unknown male who arrived in a black Honda Civic. After the unknown male left the area in the Honda Civic investigators contacted a marked Columbus Division of Police cruiser. After a traffic violation had been observed the cruiser attempted to conduct a traffic stop on the Honda Civic. The vehicle failed to stop and fled the scene at a high rate of speed.

17. On or about April 15, 2022, the firearm purchased from HAUN was linked via the National Integrated Ballistic Information Network (NIBIN) to two (2) ShotSpotter¹ alerts on or about February 18, 2022, in Columbus, Ohio.

¹ ShotSpotter is gunshot detection technology used in Columbus, Ohio that uses sophisticated acoustic sensors to detect, locate and alert law enforcement agencies and security personnel about illegal gunfire incidents in real-time.

18. On or about April 15, 2022, investigators identified six (6) ads on Armslist that are believed to have been posted by HAUN. Armslist has a feature that once you have identified a posting you can see the other listings by that user. Between the six ads there are a total of nine (9) firearms pictured for sale.

19. Investigators using information from the tip received on or about April 8, 2022, were able to locate Facebook page "Trey HAUN" <https://www.facebook.com/trey.haun.543> believed to be used by HAUN. Investigators observed several photos on the account of HAUN. Investigators then found a Facebook group called "Ashtabula Pew Locker V2.0". The Facebook account Trey HAUN is listed as a member of this group. The group appears to be used to sell, purchase and trade firearms. Investigators found a post from the Trey HAUN account made on or about April 12, 2022, which appears to be advertising three guns for sale. The post is pictured below.



20. Investigators found a private group called “Central Ohio HD-PEWS”. The Facebook account Trey HAUN is an administrator of the group. One of the listed rules of the group is “NO DETAIL ON YOUR POST PICS AND LOCATION ONLY”. Further the rule reads “if your post contains details it will be removed so we keep keywords off the group page. details are to only be shared through messenger.no detail on your post pics and location only”. Facebook allows photos of firearms to be posted. By only posting a photograph of a firearm and location private sellers are able to advertise their firearms for sale without getting their posts

taken down by Facebook. This group has approximately six hundred and eighty-two (682) members.

21. On or about April 22, 2022, a UC ATF Special Agent and/or TFO purchased a firearm from HAUN. This deal was conducted in Columbus, Ohio. The UC concluded the deal with HAUN and left the area.

22. Meta owns and operates Facebook, a free-access social networking website that can be accessed at <http://www.facebook.com>. Facebook users can use their accounts to share communications, news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

23. Meta asks Facebook users to provide basic contact and personal identifying information either during the registration process or thereafter. This information may include the user's full name, birth date, gender, e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Each Facebook user is assigned a user identification number and can choose a username.

24. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

25. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

26. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

27. Facebook users can upload photos and videos to be posted on their Wall, included in chats, or for other purposes. Users can “tag” other users in a photo or video and can be tagged by others. When a user is tagged in a photo or video, he or she generally receives a notification of the tag and a link to see the photo or video.

28. Facebook users can use Facebook Messenger to communicate with other users via text, voice, and video. Meta retains instant messages and certain other shared Messenger content

unless deleted by the user, and also retains transactional records related to voice and video chats. of the date of each call. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

29. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

30. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

31. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

32. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

33. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

34. In addition to the applications described above, Meta provides users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

35. Meta also retains records of which IP addresses were used by an account to log into or out of Facebook, as well as IP address used to take certain actions on the platform. For example, when a user uploads a photo, the user's IP address is retained by Meta along with a timestamp.

36. Meta retains location information associated with Facebook users under some circumstances, such as if a user enables "Location History," "checks-in" to an event, or tags a post with a location.

37. Social networking providers like Meta typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Meta about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

38. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's IP log, stored electronic communications, and other data retained by Meta, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a

residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Meta logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, location information retained by Meta may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

39. Therefore, the servers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

40. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant

to require Meta to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.


CONCLUSION

41. Based on the foregoing, I request that the Court issue the proposed search warrant.

42. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.


43. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

Respectfully submitted,



Samuel Chappell
Task Force Officer
ATF

Subscribed and sworn to before me on April 27, 2022



Kimberly A. Tolson
United States Magistrate Judge



ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with Facebook account <https://www.facebook.com/trey.haun.543> that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Meta Platforms, Inc. (“Meta”)

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Meta, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Meta is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including [[**Trey Haun**: full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.]]
- (b) All activity logs for the account and all other documents showing the user’s posts and other Facebook activities from January 1, 2020, to current;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them from January 1, 2020 to current, including Exchangeable Image File (“EXIF”) data and any other metadata associated with those photos and videos;
- (d) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification

numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications;

- (e) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string;
- (f) All other records and contents of communications and messages made or received by the user from January 1, 2020 to current; including all Messenger activity, private messages, chat history, video and voice calling history, and pending “Friend” requests;
- (g) All “check ins” and other location information;
- (h) All IP logs, including all records of the IP addresses that logged into the account;
- (i) All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked”;
- (j) All information about the Facebook pages that the account is or was a “fan” of;
- (k) All past and present lists of friends created by the account;
- (l) All records of Facebook searches performed by the account January 1, 2020 to current;
- (m) All information about the user’s access and use of Facebook Marketplace;
- (n) The types of service utilized by the user;

- (o) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (p) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (q) All records pertaining to communications between Meta and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

Meta is hereby ordered to disclose the above information to the government within fourteen (14) days of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 922(a)(1)(A) and Title 18, United States Code, Section 922(g)(1) involving Tracey HAUN since January 1, 2020, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Records related to the possession, purchase, trade, or sale of firearms.
- (b) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (c) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC
RECORDS PURSUANT TO FEDERAL RULES OF
EVIDENCE 902(11) AND 902(13)**

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by Meta Platforms, Inc. ("Meta"), and my title is _____. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Meta. The attached records consist of _____ **[GENERALLY DESCRIBE RECORDS (pages/CDs/megabytes)]**. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Meta, and they were made by Meta as a regular practice; and

b. such records were generated by Meta's electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Meta in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by Meta, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date

Signature